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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 19-041

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **1. Statutory Authority**

The proposed rule meets the standard required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An unauthorized rule is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

In this case, the rule repeals ch. NR 549, Wis. Adm. Code, which implements a statutory grant program that was repealed by the 2011-12 Biennial Budget Act. [See 2011 Wisconsin Act 32, SEC. 2981.]

#### **2. Form, Style and Placement in Administrative Code**

In the rule summary’s listing of statutory authority, the citations to ss. 227.26 (4) (b) and 227.29 (1) (a), Stats., should be removed. Those provisions establish the expedited repeal process and require an annual report by each agency of unauthorized rules, respectively. They do not remove or confer rulemaking authority for the subject matter addressed in the proposed rule. [s. 1.02 (2m) (a), Manual.]